IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 308 OF 2007

SHRI. JOAQUIM XAVIER FERNANDES (DECEASED) THROUGH LR'S AND 3 ORS., ... Petitioners

Versus

SMT. MARIA CARMINA COUTINHO (DECEASED) AND 2 ORS., ... Respondents

Mr. A. D. Bhobe, Advocate for the petitioners.

Coram:- R. S. MOHITE, J.

Date:- 29th September, 2007

P.C.

This writ petition impugns an order passed by the President, Administrative Tribunal Goa, dismissing the applicants' revision on the ground that it is beyond the period of limitation of 60 days. On perusing the application for condonation of delay, it is clear that an order was passed on 30.7.84 against the petitioners by the Dy. Collector, Panaji. Against that order, revision came to be filed before the Administrative Tribunal, Goa on 9.8.04 i.e. after a period of 20 years.

2. In the application for condonation of delay, it was pleaded that the delay should be condoned because the petitioners were not aware about the order passed by the Dy. Collector, Panaji. This has been refuted on the basis of documentary evidence which indicates that the order of the Dy. Collector was, in fact, served upon the petitioners and the signatures by way of receipt were obtained of petitioners No.2 and 4. It is, therefore, clear that the application for condonation of delay was not only after the period of 20 years, but was also filed on factually incorrect basis by suppressing material facts.

3. In the circumstances, this is not a fit case to interfere under Article 227 of the Constitution. The petition is rejected.

R. S. MOHITE, J.

ssm.